IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 32238 of 2007(K)

PETITIONER:

SIVASUBRAMANIAN, S/O. RANGASWAMY
GOUNDER, BOOTHIVAZHI, AGALI P.O.,
PALAKKAD DISTRICT.
(SECRETARY, THAVALAM KSHEERA VYAVASAYA SAHAKARANA
SANGAM, P.O.THAVALAM.)

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, PALAKKAD.

2. THE DAIRY EXTENSION OFFICER,
ATTAPPADY, AGALI P.O., PALAKKAD DISTRICT.

3. THAVALAM KSHEERA VYAVASAYA SAHAKARANA
SANGHAM, REPRESENTED BY ITS SECRETARY,
THAVALAM P.O., (VIA)AGALI, PALAKKAD DISTRICT.

4. THAVALAM KSHEERA VYAVASAYA SAHAKARANA
SANGHAM MANAGING COMMITTEE, THAVALAM P.O.,
PALAKKAD DISTRICT - REPRESENTED BY ITS PRESIDENT.

5. THE DISCIPLINARY SUB COMMITTEE,
THAVALAM KSHEERA VYAVASAYA SAHAKARANA SANGHAM,
REPRESENTED BY ITS CHAIRMAN SHRI. SABU.

BY ADV. SRI.P.SANTHALINGAM for R3 AND R4
SRI.S.SHARAN
SRI.PATTATH PRABHAKARAN
GOVERNMENT PLEADER, SMT.M.K.PUSHPALATHA FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32238 of 2007(K)

APPENDIX

PETITIONER'S EXTS:

EXT.P1	TRUE COPY OF THE ORDER OF SUSPENSION AND MEMORANDUM OF CHARGES DATED 25/5/2004 ISSUED BY THE 3RD RESPONDENT.
EXT.P2	TRUE COPY OF THE EXPLANATION DATED 4/6/2004 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
EXT.P3	TRUE COPY OF THE MEMO OF CHARGES ISSUED TO THE PETITIONER ON 17/6/2004
EXT.P4	TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT ON 15/7/2004.
EXT.P5	TRUE COPY OF THE REPORT OF THE ENQUIRY COMMISSION, THE 5TH RESPONDENT DATED 30/12/2004.
EXT.P6	TRUE COPY OF THE LETTER NO.C.1032/2004 DATED 26/5/2005 GIVEN TO THE PETITIONER BY THE 1ST RESPONDENT.
EXT.P7	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 04/02/2007 BEFORE THE 1ST RESPONDENT.
EXT.P8	TRUE COPY OF THE NOTICE OF HEARING DATED 21/02/2007 ISSUED BY THE 1ST RESPONDENT.
EXT.P9	TRUE COPY OF THE ORDER NO.C.292/07/K.DIS.DATED 15/6/2007 PASSED BY THE 1ST RESPONDENT.
EXT.P10	TRUE COPY OF THE LETTER DATED 4/6/2007 ISSUED BY THE 2ND RESPONDENT'S OFFICE
EXT.P11	TRUE COPY OF THE ORDER DATED 20/6/2007 IN I.A.NO.117/2007 IN R.P.NO.72/2007 OF THE APPELLATE AUTHORITY.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 32238 of 2007-K

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Dated this the 11th day of December, 2007

J U D G M E N T

Ext.P9 is an order, issued by a statutory authority under Rule 176 of the Kerala Co-operative Societies Rules. The petitioner's application to rescind the resolution resulting in his removal from service has been decided by merely enumerating three documents and stating that the impugned decision is taken on the basis of those documents. The impugned order is obviously cryptic.

In the result, this writ petition is allowed, quashing Ext.P9, without entering into other contentions and leaving the parties at liberty to place all their contentions before the first respondent. The first respondent is directed to take a decision de novo and render it stating reasons, within an outer limit of four months from the date of receipt of a copy of this judgment.

THOTTATHIL B. RADHAKRISHNAN,
Judge

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